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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,600	01/30/2002	Stuart Leitch	76971	8273
24628	7590	11/01/2005		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER COLLINS, DOLORES R	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TWT

Office Action Summary	Application No. 10/060,600	Applicant(s) LEITCH, STUART	
	Examiner Dolores R. Collins	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received 8/1/05. Examiner further acknowledges the cancellation of claim 5.

Upon further consideration of this application, the subject matter contained in claims 11-13, 15 & 17 are no longer considered allowable. The office action of 4/5/05 is withdrawn. Please excuse the delay in prosecution.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13, 15 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claims 11, 13, 15 & 17

Hoyle teaches a set of game pieces (cards) grouped into at least six groups (clubs, hearts, diamonds, spades, face cards and non-face cards), a second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards); distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used) and moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered—consistent with the rules of the game of solitaire.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games as applied to claim 11 and further in view of Chernowski, Jr.

Regarding claim 12

Hoyle fails to explicitly teach that a board is provided in his game.

Chernowski, Jr. discloses Card Game components and Method of Play.

Chernowski, Jr. teaches a game board with includes a reserve are (a draw pile), a field area (memory area), a home are (program card area) and a stock are (storage area) – see figure 1 & abstract.

It would have been obvious to include the game board of Chernowski, Jr. with the Klondike Solitaire game disclosed by Hoyle for a more structured game play area.

Allowable Subject Matter

Claims 6-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claim 6 including game pieces adapted the receive a specific strategy piece in combination with 'game pieces having a first means for grouping the game pieces into at least four groups'. This requirement is not seen or fairly suggested by the prior art of record.

Response to Arguments

Applicant's arguments filed 8/1/05, with respect to claims 5-10 have been fully considered and are persuasive. Claim 5 has been cancelled and claims 6-10 are allowable (see reasons above).

However, upon further consideration, a new ground(s) of rejection is made for claims 11-13, 15 & 17.

An offer of an examiner's amendment to claim 11, which would have placed the entire application on condition for allowance and conclude prosecution, was declined by applicant's representative.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Eugene Kim*** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).


10/27/05


EUGENE KIM
PRIMARY EXAMINER